Remarks

In the Office Action mailed July 21, 2008, the Examiner objected to Claim 40 for various informalities. The Examiner rejected claims 1-2, 7-9, 22, 25, 28-35, and 37-40 under 35 U.S.C. § 112(1) as failing to comply with the written description requirement with respect to the claim limitation "from a single user action." The Examiner withdrew the rejection under 35 U.S.C. § 101. The Examiner rejected claims 1, 2, 7, 9, 25, 28, 29, 31, 33, and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over Abboud et al. (US 2002/0184484) in view of Steitle et al. (US 2002/0188700), and further in view of Raymond et al. (US 6,108,697). The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Abboud et al. in view of Steitle et al. (US 2002/0188700), further in view of Raymond et al, and further in view of Haun et al. (US 6,751,658). The Examiner rejected claims 22, 30, 32, 34, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Abboud et al. in view of Steitle et al., further in view of Raymond et al., and further in view of Li et al. (US 6,012,088).

Applicants have made a number of corrections to the specification to correct various informalities. Applicants have canceled Claims 2, 9, 28-29, 32, 34, 38, and 40 without prejudice. Applicants have amended Claims 1, 7, 30, 31, and 33. Applicants have added claims 41-48.

Reconsideration and re-examination of the application as amended considering the following remarks is respectfully requested.

Objection to Claim 40

The Examiner objected to Claim 40 based on various informalities. Applicants are unclear from the record whether the objection was made prior to, or subsequent to, the telephone interview and substituted claim. However, Claim 40 has been canceled without prejudice to obviate the Examiner's objection and advance prosecution.

Rejection Under 35 U.S.C. § 112(1)

The Examiner rejected a number of claims as not being supported by the specification with respect to the limitation added in the previous amendment related to deploying the digital images "from a single user action". Applicants respectfully disagree and traverse the Examiner's rejection. As described in Para. [0033] of Applicants' specification, "the master configurer 202 may build and deploy the network from the network design without user intervention except to provide the WAN IP available." Applicants respectfully submit that one of ordinary skill in the art would understand that the single user action corresponds to providing the WAN IP available and the remaining configuring and deploying is done without user intervention, i.e. the configuring and deploying is performed with a single user action as claimed in claim 25.

Claim 1 has been amended to remove this limitation.

Applicants' respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 112(1).

Rejection Under 35 U.S.C. § 103(a)

The Examiner rejected all pending claims as being unpatentable over the primary reference to Abboud et al. (US 2002/0184484) in view of one or more secondary references to Steitle et al. (US 2002/0188700), Raymond (US 6,108,697), Haun (US 6,751,658), and/or Li et al. (US 6,012,088). As described in detail below, Applicants respectfully disagree and traverse the Examiner's rejection.

The primary reference to **Abboud et al.** is directed to a system and method for automatically re-provisioning or re-purposing an appliance server. As described in Para. [0052]-[0055], for example, Abboud et al. includes a number of partitions on each appliance server where different partitions may have different digital images. Alternatively, a different image may be sent to a server over the network. Prior to re-provisioning, the re-provisioning utility places the system's network settings/parameters in a file that is forwarded to the images partition. After the new image is loaded, the network settings/parameters are retrieved. As such, the configuring

process disclosed by Abboud et al. may be summarized as saving the current configuration, installing a new/different image, and reloading the saved configuration. Abboud et al. does not disclose how to determine the configuration settings initially, or how to change the configuration settings so that the appliance server could function in a different network topology or with a different number of WAN IP addresses, etc.

In contrast to the system/method disclosed by Abboud et al., Applicants' invention as disclosed and claimed is directed to configuring a plurality of servers for interoperability using a network design that specifies the number of WAN IP addresses and a network topology. The configuration settings are then used to build a configured digital image that is deployed to each server. Abboud et al. does not disclose or suggest a system for building and deploying a configured digital image for a plurality of servers based on a network design as disclosed and claimed by Applicants. Rather, the system and method disclosed by Abboud et al. selects a new/different image and then copies the previous configuration to the new image. There is no disclosure or suggestion in Abboud et al. of how to change the software and/or hardware settings including the IP address of the appliance server, or how to configure a plurality of servers with settings determined to provide cohesive network settings operable to interconnect the plurality of network servers based on a selected network design and topology. As described in greater detail below, none of the secondary references relied upon by the Examiner disclose this feature such that any proposed combination fails to teach or suggest Applicants' invention as claimed.

The reference to **Steitle et al.** (US 2002/0188700) is directed to a system and method of interactive network system design, primarily focusing on determining the initial and recurring costs for various possible network configurations. While Steitle et al. discloses a user interface allowing a user to select various network components and a desired topology, there is no disclosure or suggestion of configuring network settings based on the design or building digital images using the configured settings as disclosed and claimed by Applicants.

The reference to **Raymond et al.** (US 6,108,697) is directed to imaging multiple disks over a network by dividing the imaging stream into segments and allowing individual servers to begin the process at any of the segments. While this reference discloses a particular

system/method for deploying digital images to a plurality of servers substantially simultaneously, there is no disclosure or suggestion of configuring software and/or hardware settings and building digital images for a plurality of servers using the configuration settings as disclosed and claimed by Applicants.

The reference to **Haun et al.** (US 6,751,658) is directed to a system/method for providing a reliable operating system for clients of a net-booted environment. Again, there is no disclosure or suggestion in Haun et al. of configuring a plurality of network servers for interoperability, building digital images using the configured settings, and deploying the digital images as disclosed and claimed by Applicants.

The reference to **Li et al.** (US 6,012, 088) discloses a system/method for automatic configuration of an internet access device. The system/method disclosed by Li et al. includes a configuration database that includes the specific configuration settings for an internet access device that is shipped to a customer without being configured. The internet access device accesses the database over a telephone line to obtain the previously determined configuration settings so that the internet access device can communicate over the internet. In contrast to Applicants' claimed invention, Li et al. does not disclose or suggest a system/method for determining the configuration settings that are stored in the configuration database based on a network design list, and does not use the configuration settings to build a configured digital image. Li et al. teaches away from Applicants' invention in that Li et al., similar to Abboud, teaches providing the device with a generic image that does not include configuration settings.

Thus, none of the references taken alone or in any combination teaches or suggests configuring software settings using a network design and selected network topology to provide interoperability for a plurality of network servers, building corresponding images using the configured settings, and deploying the images to corresponding ones of the plurality of servers as disclosed and claimed by Applicants.

For the reasons above, Applicants respectfully submit that the invention as claimed is patentable over the prior art relied upon by the Examiner and Applicants respectfully request the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 103(a).

Summary

Applicants have made a genuine effort to respond to the Examiner's objection and rejections in advancing prosecution of this application. Applicants respectfully submit that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

The fee of $130 for a one-month extension of time has been paid upon filing. No additional fees are believed to be due as a result of filing this paper. However, please charge any additional fees or credit any overpayments to our Deposit Account No. 02-3978.

Respectfully submitted,

LYLE N. SCHEER et al.

By /David S. Bir/
David S. Bir
Reg. No. 38,383
Attorney for Applicants

Date: November 19, 2008

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351